

### **REMARKS**

Claims 1-21, 24, 25, 27, 29, and 30 are pending in the application. Independent claims 1, 8, and 24, and dependent claim 30, have been amended by the present amendment. The amendments are fully supported by the application as originally filed.

Claims 8 and 30 were rejected under 35 USC 101 as being directed to non-statutory subject matter. As amended, the method steps of independent claim 8 are specifically tied to structure in the apparatus (i.e., the transmitting-end machine). In particular, the following steps are recited: "(a) a transmission data generation section included in the transmitting-end machine generating transmission data and a reception result request to be transmitted to the receiving-end machine; and (b) a transmission control section included in the transmitting-end machine transmitting the transmission data and the reception result request simultaneously to the receiving-end machine." It is believed that the amendments to independent claim 8 and dependent claim 30 overcome the rejection under 35 USC 101.

Independent claim 8 also has been amended to include at least the following limitations (with similar amendments to independent claims 1 and 24):

when retransmitting the transmission data, the transmission control section determining whether or not a format of the transmission data is to be altered based on lists indicative of whether or not the format of the transmission data is to be altered when the transmission data is retransmitted, the lists being set with respect to the receiving-end machine, the transmission control section causing the transmission data generation section to generate the retransmission data with a format altered from the format of the transmission data if the transmission control section determines alteration of the format is needed, and causing the transmission data generation section not to alter the format of the transmission data if the transmission control section determines the alteration of the format is not needed,

when the transmission control section determines the alteration of the format is needed and when the reception result notification includes receiving capability information, the transmission control section retransmitting the retransmission data with the format altered from the format of the transmission data in accordance with the receiving capability information,

the receiving capability information including (i) whether the receiving-end machine is capable of only monochrome printing or capable of both monochrome printing and color printing, (ii) a format of image data processable in the receiving-end machine, (iii) resolution of printing in the receiving-end machine, (iv) an aspect ratio of image data printable in the receiving-end machine, (v) an encoding scheme processable in the receiving-end machine, (vi) whether or not the receiving-end machine is capable of processing image data indicative of images with different encoding schemes and with different resolutions within one page, and (vii) a size of paper printable in the receiving-end machine, ...

Claims 1-5, 7-13, 29, and 30 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 6,775,705 to Maeda "and" U.S. Patent Application Publication US 2001/0040694 to Eguchi in view of U.S. Patent Application Publication US 2007/0146802 to Ushida. Claim 6 was rejected under 35 USC 103(a) as being unpatentable over Maeda in view of Eguchi, and further in view of U.S. Patent 7,000,157 to Okamoto et al. Claims 14-21, 25, 27, and 28 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent Application Publication US 2003/0020961 to Tanimoto in view of Maeda "in view of Eguchi." Claim 24 was rejected under 35 USC 103(a) as being unpatentable over "Maeda and Eguchi and Tanimoto, in view of Ushida." These rejections are respectfully traversed.

Regarding the rejection of independent claims 1 and 8 over the proposed combination of Maeda and Eguchi in view of Ushida, and the rejection of independent claim 24 over the proposed combination of "Maeda and Eguchi and Tanimoto, in view of Ushida," these proposed combinations do not teach or suggest the above limitations of independent claims 1, 8, and 24.

Further, there is no teaching or suggestion in the above proposed combinations of "stopping generating retransmission data and canceling the transmission when a communication error has nothing to do with a receiving capability of the receiving-end machine," as recited in independent claims 1, 8, and 24.

On page 6, second paragraph of the Office Action of 11/19/2009, it was admitted that the Maeda and Eguchi references do not teach or suggest the claim limitations regarding retransmission of transmission data.

On page 6, last two paragraphs to page 7, first paragraph of the Office Action of 11/19/2009, the Ushida reference was cited at paragraphs 0205, 0005-0006, 0186, and 0189 allegedly to remedy the deficiencies of the Maeda and Eguchi references.

Referring to paragraph 0205 of Ushida, it is described that if retransmission is designated and the number of times of retransmission is less than a designated number of times of retransmission, then the main image is retransmitted.

In paragraphs 0005-0006 of Ushida, the background art is described with respect to an email transmission with facsimile-format image data attached to the email, in which the attachment is "an image of a format, which is a base line."

Referring to paragraph 0186 of Ushida, steps S100-14 and 15 of FIG. 6 of Ushida are described in which image data is communicated corresponding to an error, which is designated by G3/G4 transmission.

Referring to paragraph 0189 of Ushida, it is described that if a base line is designated upon occurrence of the error, then the stored image data is converted "into image data of the base line format."

In Ushida, when a communication error or a time-out occurs (see S100-8 and S100-9 in FIG. 5 of Ushida), then G3/G4 communication or base line communication is performed (see S100-14 to S100-17 in FIG. 6 of Ushida).

However, there is no teaching or suggestion in Ushida of "stopping generating retransmission data and canceling the transmission when a communication error has nothing to do with a receiving capability of the receiving-end machine," as recited in independent claims 1, 8, and 24. In other words, according to Ushida, retransmission is performed even when a communication error has nothing to do with a receiving capability of a receiving-end machine.

Therefore, even if Maeda and Eguchi (and/or Tanimoto) were taken in view of Ushida, the proposed combinations would not teach or suggest the Applicants' claimed invention. Therefore, independent claims 1, 8, and 24 and their respective dependent claims are patentable over the proposed combinations.

It is believed that the claims are in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

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